

EXHIBIT A



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
July 2, 2021 15:40

By: FRANK L. GALLUCCI 0072680

Confirmation Nbr. 2292348

TIMOTHY A. BOYKO, ADM OF THE ESTATE OF ETC.,
ET AL

CV 21 949518

vs.

JOSEPH J. SCARAVILLI, ET AL.

Judge: NANCY R. MCDONNELL

Pages Filed: 9

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

TIMOTHY A. BOYKO,
ADMINISTRATOR OF THE
ESTATE OF SCOUT HEIDI
SCARAVILLI

6300 Rockside Road, Suite 303
Independence, Ohio 44131

-and-

TIMOTHY A. BOYKO,
ADMINISTRATOR OF THE
ESTATE OF CHASEY HONOR
SCARAVILLI

6300 Rockside Road, Suite 303
Independence, Ohio 44131

Plaintiffs,

vs.

JOSEPH J. SCARAVILLI
HEIDI F. SCARAVILLI
2755 Berkshire Rd.
Cleveland Heights, Ohio 44106

Defendants.

CASE NUMBER:

JUDGE:

COMPLAINT

*(JURY DEMAND
ENDORSED HEREON)*

NOW COMES Plaintiff, Timothy A. Boyko, Administrator of The Estate of Scout Heidi
Scaravilli, Deceased, and Timothy A. Boyko, Administrator of The Estate of Chasey Honor

Scaravilli, Deceased, by and through counsel, and for his Complaint against Defendants states and alleges as follows:

1. At all times relevant herein, Scout Heidi Scaravilli, deceased (hereinafter referred to as “Decedent Scout”) was a resident of Cleveland Heights in Cuyahoga County, Ohio.
2. At all times relevant herein, Chasey Honor Scaravilli, deceased (hereinafter referred to as “Decedent Chasey”) was a resident of Cleveland Heights in Cuyahoga County, Ohio.
3. Timothy A. Boyko was appointed as Administrator of the Estate of Scout Heidi Scaravilli, deceased, by the Cuyahoga County Probate Court on December 16, 2020, in case number 2020EST255935. A copy of the Letters of Authority is attached hereto. He brings this action in his official capacity as the Administrator of the Estate of Scout Heidi Scaravilli.
4. Timothy A. Boyko was appointed as Administrator of the Estate of Chasey Honor Scaravilli, deceased, by the Cuyahoga County Probate Court on December 16, 2020, in case number 2020EST255934. A copy of the Letters of Authority is attached hereto. He brings this action in his official capacity as the Administrator of the Estate of Chasey Honor Scaravilli.
5. Decedent Scout was pronounced dead at 10:07 p.m. on June 14, 2020, as a result of massive blunt force trauma with crush injuries she sustained approximately three hours earlier, leaving heirs at law and next of kin.
6. Decedent Chasey was pronounced dead at 01:57 a.m. on June 15, 2020, as a result of massive blunt force trauma with crush injuries she sustained approximately six hours earlier, leaving heirs at law and next of kin.

7. Timothy A. Boyko, brings this action in his capacity as the lawfully appointed Administrator of both Estates asserting wrongful death claims as allowed by R.C. 2125.02 for the benefit of their respective heirs at law and/or next of kin who have or claim to have suffered damages arising out of and as a result of the deaths of Decedents Scout and Chasey (hereinafter collectively the “Decedents”).
8. At all times relevant herein, Defendants were residents of Cleveland Heights in Cuyahoga County, Ohio which is where the activity giving rise to Plaintiffs’ claims occurred or was conducted.
9. On or about June 14, 2020, Defendants owned, operated, leased, controlled, had legal rights to or were in possession of the property and/or premises, including, but not limited to, the dwelling, pool, accessory structure and grounds located at 2755 Berkshire Road, Cleveland Heights, Ohio 44106 (hereafter referred to as “the Property”).
10. On or about June 14, 2020, the Decedents were lawfully on the Property and qualified as Defendants’ invitees for all purposes.
11. Decedents were permitted to access and use the dwelling, pool, accessory structure and recreational apparatus located on the Property.
12. Defendants installed or caused to be installed multiple hammocks on the Property. The hammocks were installed in a fashion whereby they were tethered between a tree and a masonry fence post.
13. Due to the manner in which the hammocks were installed, not even the most careful and prudent invitee was likely to be able to use the hammocks without serious risk of injury or death.

14. At that same place at approximately 7:00 p.m. on June 14, 2020, as Decedents were laying in the hammocks, their use, through no fault of their own, caused the masonry fence post to give way, causing Decedents' death, and causing their heirs and next of kin to suffer injuries and damages as more fully described herein.
15. The condition of the Property and the hammocks in particular was unsafe, hazardous and dangerous for Decedents and for other invitees.
16. Defendants should have known of, and had constructive notice of, the unsafe, hazardous and dangerous condition of these hammocks and the extreme danger and hazard it posed to decedent and other invitees.
17. Defendants were at all times responsible for the maintenance, inspection, repair and control of the Property, and for ensuring as far as reasonably possible that the Decedents and other invitees were not unnecessarily exposed to harm.
18. Defendants assumed and/or owed various duties to the Decedents and other invitees, including, without limitation:
 - a. A duty of ordinary care for Decedents' safety;
 - b. A duty to keep and maintain the Property, structures and recreational apparatus on it in a reasonably safe condition;
 - c. A duty to inspect for and make repairs and improvements necessary to prevent, remove and protect against unsafe and dangerous conditions on the Property;
 - d. A duty to use reasonable care to provide notice and warning to Decedents and other invitees of any latent or hidden dangers on the Property of which Defendants knew or should have discovered through the exercise of reasonable care; and

- e. A duty to undertake every other precaution reasonably necessary to protect the life, health, safety and welfare of the invitees, including Decedents.
19. These duties were particularly elevated due to the young age of the Decedents and their invitee status on the Property.
20. Defendants were negligent and breached one or more of the duties they assumed or owed to Decedents by, among other things:
- a. Failing to use ordinary care for Decedents' safety;
 - b. Failing to keep and maintain the Property, structures and recreational apparatus on it in a reasonably safe condition;
 - c. Failing to provide Decedents and other invitees with properly installed recreational apparatus;
 - d. Failing to inspect for and perform repairs and improvements necessary to prevent, remove and protect against unsafe and dangerous conditions on the Property;
 - e. Failing to use reasonable care to provide notice and warning to Decedents of any latent or hidden dangers on the Property of which Defendants should have discovered through proper diligence;
 - f. Unnecessarily and unreasonably exposing Decedents to dangers, including but not limited to those which they may not notice, see or appreciate; and
 - g. Failing to undertake every other precaution reasonably necessary to protect the life, health, safety and welfare of invitees, including Decedents.
21. As a direct and proximate result of Defendants' negligence and material breach of duties they owed, the use of the hammocks for their intended purposes by Decedents caused

masonry fence post to give way, falling on and crushing Decedents and causing their deaths.

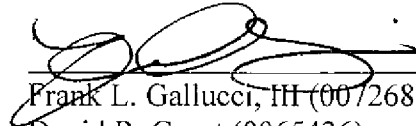
22. This incident and the Decedents' deaths and the damages described herein would not have occurred in the ordinary course of events if Defendants had exercised ordinary care and fully complied with the aforementioned duties that were imposed upon them as owners and occupiers of the Property.
23. As a direct and proximate result of Defendants' negligence and breach of duties they owed, the Decedents' dependents, heirs, legatees and next of kin, have sustained damages recoverable under Ohio law, including but not limited to those set forth in Ohio Revised Code Section 2125.02, such as: severe mental anguish and trauma, emotional distress, loss of support from the reasonably expected earning capacity, loss of the services and society, including, without limitation, the loss of companionship, care, love, support, assistance, attention, protection, advice, guidance, life's enjoyment, counsel, and prospective inheritance which their survivors would have received had they individually or collectively lived their reasonably expected and anticipated natural life; all of which Defendants are liable for.

As a direct and proximate result of Defendants' negligence and breach of duties they owed, the Decedents' heirs at law, legatees and next of kin, in addition to all of the aforesaid damages, have also incurred other compensable losses and damages to be established at trial, including but not limited to funeral and/or burial expenses.

WHEREFORE, each Plaintiff demands judgment against Defendants Joseph J. Scaravilli and Heidi F. Scaravilli, jointly and severally, for compensatory damages in excess of Twenty-

five Thousand Dollars (\$25,000.00), expenses, pre- and post-judgment interest, and any and all such further relief which this Court may deem just and proper.

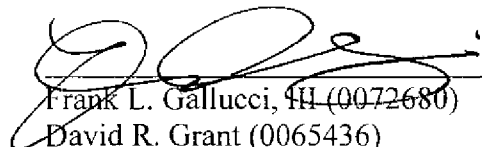
Respectfully submitted,
PLEVIN & GALLUCCI CO., L.P.A.



Frank L. Gallucci, III (0072680)
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Email: dgrant@pglawyer.com
Counsel for Plaintiffs

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues raised herein.



Frank L. Gallucci, III (0072680)
David R. Grant (0065436)

Counsel for Plaintiffs

PLEVIN & GALLUCCI
COMPANY, L.P.A.
55 PUBLIC SQUARE
SUITE 2222
CLEVELAND, OHIO 44113

PROBATE COURT OF CUYAHOGA COUNTY, OHIO
ANTHONY J. RUSSO, PRESIDING JUDGE
LAURA J. GALLAGHER, JUDGE

ESTATE OF: **SCOUT HEIDI SCARAVILLI DECEASED**

Case Number: **2020EST255935**

ENTRY APPOINTING FIDUCIARY; LETTERS OF AUTHORITY
(For Executors and all Administrators)

Name of Fiduciary: **TIMOTHY A. BOYKO**

On hearing in open court the application of the above fiduciary for authority to administer decedent's estate, the Court finds that:

Decedent died (check one of the following)

- ☐ testate
☒ intestate

on **06/14/2020**, domiciled in **CLEVELAND HEIGHTS, OH 44106**.

(Check one of the following)

- ☐ Bond is dispensed with by the Will
☐ Bond is dispensed with by law
☒ Applicant has executed and filed an appropriate bond, which is approved by the Court; and

Applicant is a suitable and competent person to execute the trust.

The court therefore appoints applicant as such fiduciary, with the power conferred by law to fully administer decedent's estate. This entry of appointment constitutes the fiduciary's letters of authority.

12/16/2020

Date appointed

JUDGE LAURA J. GALLAGHER

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of the records of this Court. It constitutes the appointment and letters of authority of the named fiduciary, who is qualified and acting in such capacity.

(Seal)

ANTHONY J. RUSSO, PRESIDING JUDGE



Deputy Clerk

12/16/2020
Issue Date

ISSUED 12/17/2020 12:37:37 BY: SLL

Electronically Filed 07/02/2021 15:40:77 CV 21 949518 / Confirmation Nbr. 2292348 / CLDLJ

(07/01/1977)

PROBATE COURT OF CUYAHOGA COUNTY, OHIO
ANTHONY J. RUSSO, PRESIDING JUDGE
LAURA J. GALLAGHER, JUDGE

ESTATE OF: **CHASEY HONOR SCARAVILLI DECEASED**

Case Number: **2020EST255934**

ENTRY APPOINTING FIDUCIARY; LETTERS OF AUTHORITY
(For Executors and all Administrators)

Name of Fiduciary: **TIMOTHY A. BOYKO**

On hearing in open court the application of the above fiduciary for authority to administer decedent's estate, the Court finds that:

Decedent died (check one of the following)

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on **06/15/2020**, domiciled in **CLEVELAND HEIGHTS, OH 44106**.

(Check one of the following)

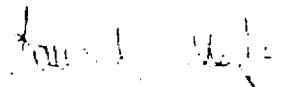
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12/17/2020

Date appointed



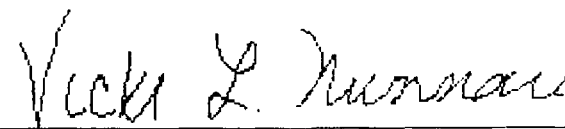
JUDGE LAURA J. GALLAGHER

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

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(Seal)

ANTHONY J. RUSSO, PRESIDING JUDGE



Deputy Clerk

12/17/2020
Issue Date